

02-01-01
Docket No. 19742 - 001

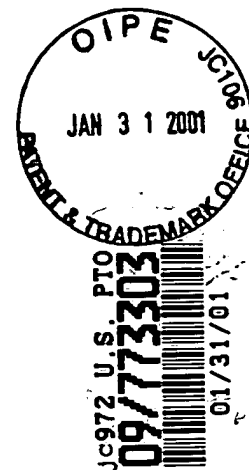
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of Larry M. Proctor

Reissue Application of Patent No 5,894,079

Filed: November 15, 1996

For: FIELD BEAN CULTIVAR NAMED ENOLA



REISSUE APPLICATION TRANSMITTAL

Honorable Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith is an application to reissue U.S. Patent No. 5,894,079 issued on April 13, 1999.

Enclosed are the following:

- 09773303.013101
1. SPECIFICATION, CLAIMS AND DRAWINGS
 - (a) ☐ [6] pages of specification
 - ☐ [5] pages of claims
 - ☐ [1] page of abstract
 - (b) ☐ [] sheets of formal drawings
 - ☒ [X] No changes in the drawings upon which the original patent was issued are to be made. Therefore, in accordance with 37 CFR 1.174, please find attached, in the size required for original drawings:
 - ☐ [] a copy of the printed drawings of the patent
 - ☒ [X] a photoprint of the original drawings.
 2. DECLARATION AND POWER OF ATTORNEY
☒ [X] 2 pages of declaration and power of attorney
 3. PRELIMINARY AMENDMENT
☐ [] attached
 4. OFFER TO SURRENDER THE ORIGINAL LETTERS PATENT IN ACCORDANCE WITH 37 CFR 1.178
☒ [X] attached

5. LETTERS PATENT

- ☐ original letters patent attached
☐ declaration that original letters patent lost or inaccessible

6. TITLE

In accordance with 37 CFR 1.171, this application for reissue is accompanied by:

- ☐ a certified copy of an abstract of title
☐ an order for an abstract of title; or

☒ Title to this patent resides in the named assignee who obtained the same from the listed inventor through assignment recorded at Reel 9742, Frame 0430 (4 pages).

7. INFORMATION DISCLOSURE STATEMENT

- ☐ attached

8. PRIORITY - 35 USC 120

- ☒ Priority of Patent Application 749,449 filed on November 15, 1996 is claimed under 35 USC 120.
☐ The certified copies have been filed in prior application Serial No. filed on

9. FEE CALCULATION 37 CFR 1.16 (i) AND (j)

	Column 1	Column 2	Small Entity		Other than Small Entity	
For:	No. Filed	No. Extra	Rate	Fee	Rate	Fee
Basic Fee:			\$355.00	\$355.00	\$710.00	\$345.00
Total Claims:	58	38	x9 =	\$342.00	x18 =	\$
Independent Claims:	10	7	x40 =	\$280.00	x80 =	\$
Fee for Title Report						\$
			Total	<u>\$977.00</u>	Total	\$

10. SMALL ENTITY STATUS (if applicable)

- ☒ A verified statement that this filing is by a small entity is attached

11. ASSIGNMENT INFORMATION (if applicable)

- ☒ The original patent is assigned of record to Pod-Ners, L.L.C.

12. METHOD OF PAYMENT OF FEES

- ☐ Charge Deposit Account No.03-1725 in the amount of \$ Two copies of this request are attached.
☒ A Check in the amount of \$ 977.00 attached hereto

09773303-013101
 FOR FEE

13. AUTHORIZATION TO CHARGE ADDITIONAL FEES

[] The Commissioner is hereby authorized to charge payment of any additional fees or credit any overpayment associated with this communication and during the entire pendency of this application to Deposit Account No. _____.

Respectfully submitted,

252

Emery L. Tracy

Registration No. 34,081

Attorney for the applicant

P.O. Box 1518

Boulder, Colorado 80306

Telephone: (303) 443-1143

Facsimile: (303) 443-1415

Date: January 31, 2001

Attorney Docket Number 19742 - 001

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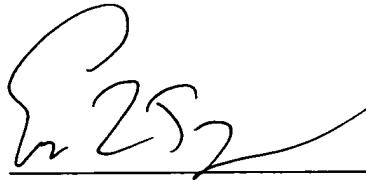
[illegible]

For: FIELD BEAN CULTIVAR NAMED ENOLA

1. A transmittal letter forwarding documents included with application for reissue, containing a Fee Calculation under 37 CFR 1.16(i) and (j);
2. An intact copy of the original patent, U.S. Patent No. 5,894,079;
3. A cut-up copy of the original patent, U.S. Patent No. 5,894,079, with each column of the specification on a separate page, and with proposed new claims 16-56 in underlined format, along with copies of the photographs used in the original patent application;
4. A reissue declaration in compliance with 37 C.F.R. §§1.63 and 1.175;
5. A request for transfer of drawings for reissue application and provision of temporary drawings;
6. An offer to surrender the original patent to the Patent Office pursuant to 37 C.F.R. §1.178;
7. A letter evidencing the written assent of the assignee to the filing of this application for reissue pursuant to 37 C.F.R. §1.172 (a);
8. A check for \$977.00 as payment of the reissue filing fee as specified by 37 C.F.R. §1.16 (h);
9. Verified Statement Claiming Small Entity Status (37 CFR 1.9(f) & 1.27(b))--Small Business Concern;
10. Certificate under 37 CFR 3.73(b); and

11. A return postcard

are being deposited with the United States Postal Services as EXPRESS MAIL POST OFFICE TO ADDRESSEE, postage prepaid, EXPRESS MAIL LABEL NO. EG663706578US in an envelope addressed to: The Commissioner of Patents and Trademarks, Box Reissue, Washington, D.C. 20231, on this _____ day of January, 2001.



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Docket No.: 19742 - 001

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of Larry M. Proctor

Reissue application of Patent No. 5,894,079

Filed: November 15, 1996

For: FIELD BEAN CULTIVAR NAMED ENOLA



Applications Branch

OFFER TO SURRENDER THE ORIGINAL PATENT

Honorable Assistant Commissioner for Patents
Washington, D. C. 20231

Sir:

Pursuant to 37 C.F.R. §1.178, the applicants and assignee hereby offer to surrender for reissue the original patent, U.S. Patent No. 5,894,079, for "FIELD BEAN CULTIVAR NAMED ENOLA," issued on April 13, 1999. The original patent will be physically provided to the Patent Office before issuance of the reissue patent as requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Emery L. Tracy".

Emery L. Tracy
Registration No. 34,081

P.O. Box 1518
Boulder, Colorado 80306
Telephone: (303) 443-1143
Facsimile: (303)
Attorney's Docket Number: 19742 - 001
Date: January 31, 2001

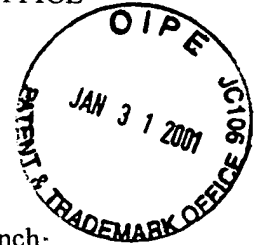
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of Larry M. Proctor

Reissue application of Patent No. 5,894,079

Applications Branch



Filed: November 15, 1996

For: FIELD BEAN CULTIVAR NAMED ENOLA

CERTIFICATE UNDER 37 CFR 3.73(b)

Honorable Assistant Commissioner for Patents
Washington, D. C. 20231

Sir:

Applicant: POD-NERS, L.L.C. certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of:

A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 9742, Frame 0430, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent identified above, to the current assignee as shown below:

The document was recorded in the Patent and Trademark Office at Reel, Frame, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

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TOTAL 09773303-013101

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 1/29/01

Name: Larry M. Proctor

Title: Registered Agent

Signature: Larry M. Proctor

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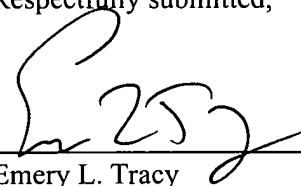
REQUEST FOR TRANSFER OF DRAWINGS FOR REISSUE APPLICATION
AND PROVISION OF TEMPORARY DRAWINGS

Honorable Assistant Commissioner for Patents
Washington, D. C. 20231

Sir:

In accordance with the provisions of 37 CFR 1.174, applicants courteously request that the drawings of applicants' patent, U.S. Patent 5,894,079, Serial No. 749,449, filed November 15, 1996 be transferred to the present Reissue Application. Temporarily, applicants provide herewith sheets of copies of the original drawings for the subject reissue application.

Respectfully submitted,


Emery L. Tracy
Registration No. 34,081

P.O. Box 1518
Boulder, Colorado 80306
Telephone: (303) 443-1143
Facsimile: (303)
Attorney's Docket Number: 19742 - 001
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